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LEWIS AND ROCA LLP  
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**OFFICE OF PETITIONS**

In re Patent No. 7269847	: DECISION DISMISSING PETITION
Issue Date: 09/11/2007	: UNDER 37 CFR 1.78(a)(3) AND
Application No. 10/712190	: REQUEST FOR CERTIFICATE OF
Filed: 11/12/2003	: CORRECTION
Attorney Docket No. GRAPH-003COE	:

This is a decision on the petition, filed on October 17, 2008, which is being treated as a petition under 37 CFR 1.78(a)(3), seeking to add a claim for priority under 35 U.S.C. § 120 to nonprovisional Application No. 09/552,476, filed on April 18, 2000, by way of a certificate of correction.

The petition is **DISMISSED**.

A review of the file record fails to disclose that a claim for the benefit of priority to the above-noted, prior-filed nonprovisional application was made within the time period set forth in 37 CFR 1.78(a)(2)(ii) and further failed to include a proper reference to the prior-filed application as required by 37 CFR 1.78(a)(2)(i) and 1.78(a)(2)(iii).

The instant application was filed November 12, 2003. Therefore, since this application was filed after November 29, 2000, a petition under 37 CFR 1.78(a)(3), along with submission of a Certificate of Correction, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed nonprovisional application after issuance of the application into a patent. *See* MPEP 1481.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and



Patent No. 7,269,847  
Application No. 10/712,190

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Any questions concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

A handwritten signature in black ink, appearing to read "Anthony Knight", is written over the printed name.

Anthony Knight  
Supervisor  
Office of Petitions